

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3891 of 2019
and CMP No.24464 of 2019

1. The Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai - 600 009
2. The Director General,
Highways Department,
Chepauk, Chennai - 5 .. Appellants/Respondents

-vs-

D. Arumugam .. Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.No.10912 of 2015 dated 23.04.2019.

WP.10912/15:Petition filed under Article 226 of the constitution of India praying to issue a writ of Mandamus, to direct the respondents to promote the petitioner notionally as Assistant Divisional Engineer w.e.f. 8/.1.2015 i.e. from the date of issue of GO(3D) No.1/Highways & Small Ports (HK1) Department dated 8.1.2015, in which, orders were issued promoting the petitioner as Assistant Divisional Engineer with all consequential service and monetary benefits including retirement benefits within a reasonable time and grant such other further relief.

For appellants : Sri.Jayaprakash Narayanan
Government Pleader
For respondent : Sri.G. Elanchezhiyan

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

The Writ Appeal arises out of an order passed in W.P.No.10912 of 2015 dated 23.04.2019.

2. Heard learned counsel for the appellants. The challenge raised is to the order dated 23.04.2019 on the ground that since the respondent / petitioner did not hold charge even for a single day as an Assistant Divisional Engineer on being promoted, no benefits could be claimed by him.

3. The impugned order categorically records, which is not disputed, that the respondent / petitioner was extended the benefit of promotion vide order dated 08.01.2015. It is on account of the delay of the posting order that the date of superannuation of the respondent / petitioner intervened on 31.03.2015.

4. In the given circumstances and the peculiar facts of the case, the learned Single Judge therefore found that the respondent / petitioner was entitled to his promotional benefits. We see no reason to disagree from the same in the wake of the aforesaid undisputed facts.

5. Accordingly, there is no merit in the writ appeal and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

sr

To

1.The Secretary to Government
Highways, and Minor Ports Department
Fort St.George, Chennai-600 009.

2.The Director General,
Highways Department,
Chepauk, Chennai-5.

+1cc to Mr.G.Elanchezhiyan, Advocate SR.102747
+1cc to the Government Pleader SR.102937

W.A.No.3891 of 2019

PVS (CO)
CB(29/01/2020)



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